

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS - DPW AND PARKS, RECREATION & RAILROAD

DATE: DECEMBER 2, 2010

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BENTLEY
STEC
MERLINO
CHAMPAGNE
LOEB
MCCOY
CONOVER
WOOD

OTHERS PRESENT:

JEFFERY TENNYSON, SUPERINTENDENT OF PUBLIC WORKS
KEVIN HAJOS, DEPUTY SUPERINTENDENT OF ENGINEERING
DON DEGRAW, AIRPORT MANAGER
PAUL BUTLER, DIRECTOR OF PARKS, RECREATION & RAILROAD
FREDERICK MONROE, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ATTORNEY/ADMINISTRATOR
JOAN SADY, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISORS McDEVITT

COMMITTEE MEMBER ABSENT:

SUPERVISOR BELDEN

STRAINER

TAYLOR

THOMAS

JULIE PACYNA, PURCHASING AGENT

JOANNE SMITH, TOWN OF NORTH CREEK RESIDENT

DON LEHMAN, *THE POST STAR*

THOM RANDALL, *THE ADIRONDACK JOURNAL*

AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

In the absence of both Committee Chairman Belden and Vice-Chairman Bentley, Mr. Stec called the meeting of the Public Works Committee to order at 9:30 a.m.

Motion was made by Mr. Loeb, seconded by Mr. McCoy and carried unanimously to approve the minutes from the prior Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Jeffery Tennyson, Superintendent of Public Works, who distributed copies of the DPW agenda to the Committee members, a copy of which is also on file with the minutes.

Commencing with the agenda review, Mr. Tennyson announced the first item listed pertained to the proposed construction of an access road from Airport Runway 12 to Ridge Road. He reminded the Committee that this issue had been introduced at a prior meeting in relation to parking delay issues for the Adirondack Balloon Festival event. Referring to an aerial map of the Runway area, Don DeGraw, Airport Manager, pointed out the route proposed for construction of the new road, which would cross a wetland area and require the securing of an easement from an adjoining property owner. Mr. Tennyson noted that although there was currently a rough trail in place, it was difficult to travel with a four-wheel drive vehicle and crossed wet areas. He advised the finished road would be approximately 2,300 ft. in length and would require a significant amount of work to complete, incurring a total cost of about \$125,000 to construct. Mr. Tennyson added that there was not sufficient funding within the 2011 Budget to complete this project; however, he said, any unexpended funds remaining at the close of 2011 could be used to begin the construction project, with funds being identified in future years to complete it in 2012 or 2013.

Mr. Bentley entered the meeting at 9:36 a.m. and assumed the role of Committee Chairman.

Mr. Tennyson stated that the new access road would benefit the Airport property as it would provide an additional entrance point for events, such as the Balloon Festival, lessening area traffic issues by allowing for vehicles to be

parked more quickly. Mr. DeGraw added this would also allow emergency access to areas currently very difficult to reach in the event of a plane crash incident, noting that it was nearly impossible to reach those areas currently during the spring, when the ground was very wet, or the winter season. Mr. Tennyson advised their first step in this process should be to contact the property owners to determine whether they were amenable to the County's request for an easement to cross their land to reach Ridge Road. He said that if the Committee was in agreement, he and Mr. DeGraw could proceed with this discussion and present their findings at the next meeting.

Mr. Loeb noted that he had raised the issue of creating an additional airport entrance during a prior meeting in light of his observations that alternate measure should be taken to alleviate some of the parking and traffic delay issues caused during the Balloon Festival Event. He said that if a more expedient process could be determined for parking cars during the event, it was likely that patrons would be willing to pay a parking fee, rather than waiting in line for extended periods of time for free parking. Mr. Loeb added his feeling that it was not appropriate to charge for parking under the current procedure which caused long delays; however, he stated, if there was a shorter wait time, he felt visitors would not be resistant to paying a \$10 per car parking fee. He concluded that although there were significant costs associated with the construction of a new access point, he felt the expense was justified and should be completed as soon as possible.

Mr. Stec said that while he agreed an additional access point would be ideal, final decisions should be based on associated costs, frequency of use and whether FAA (Federal Aviation Administration) grant funds were available to fund the construction. He added that if the expense was justified, and would not incur unreasonable costs to the taxpayers of Warren County, he would be in favor of the access road construction. Mr. Tennyson noted that the suggested access road would be similar in use to the one extending to Hicks Road, which was closed for the majority of the year and used only for special events and emergencies.

Mr. Geraghty questioned whether the road could be constructed in stages, initially building a road with a rubble base with paving to occur in the subsequent year, to spread the costs over two budget terms and Mr. Tennyson responded that the construction estimates of \$125,000 consisted of only a rough gravel road. Mr. Tennyson noted that the Hicks Road access route was made of millings and stone which required annual maintenance and improvements.

Following further discussion on the matter, it was the consensus of the Committee that Messrs. Tennyson and DeGraw should contact the adjoining property owner to determine whether an easement to cross the private property identified would be available and present their findings at the next meeting.

Returning to the agenda review, Mr. Tennyson directed the Committee members to page 1, which reflected a request to authorize the Chairman of the Board to sign a no cost time extension with the USEPA (United States Environmental Protection Agency) to extend grant funding for the completion of the Warren County Sewer Project. He explained that the grant term would expire on March 31, 2011, and due to delays in securing contracts for slip-lining work in the Town of Bolton, the project would not be completed prior to the expiration date. Mr. Tennyson said the USEPA had recommended a grant extension to allow for the work to be completed in the spring of 2011.

Motion was made by Mr. Champagne, seconded by Mr. Stec and carried unanimously to approve the above referenced request and the necessary resolution was authorized for the December 17th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Tennyson apprised that agenda pages 3 and 4 consisted of separate requests to sell County equipment, the first being to sell a 1978 Ford tractor with sickle bar to the Town of Warrensburg for the sum of \$2,500 and the second to sell a 1992 Maco-Sullair air compressor to the Town of Thurman for \$700. He noted that they had coordinated

with representatives of each Town to identify a selling price agreeable to all parties.

Motion was made by Mr. Loeb, seconded by Mr. McCoy and carried unanimously to approve both requests to sell County equipment as previously noted and the necessary resolutions were authorized for the December 17th Board meeting. *Copies of both requests are on file with the minutes.*

Proceeding to agenda page 5, Mr. Tennyson presented a request to authorize conveyance of the County-owned property acquired for the relocation of the Town of Queensbury Big Boom Road in connection with the Corinth Road Project to the Town of Queensbury. He then directed the Committee members to agenda page 6 which reflected a map indicating the parcels to be conveyed, consisting of all of Town of Queensbury Tax Map No. 309.14-1-94 and portions of old Tax Map Nos. 309.14-1-92, 309.14-1-85, 309.14-1-92, 304.14-1-90.2 and 309.14-1-83. Mr. Tennyson noted that these parcels had been purchased to relocate Big Boom Road and allow for a four-way signalized intersection with County Route 28 and the newly constructed Media Drive. He further noted that finalized maps and property descriptions would be received following the completion of surveys being undertaken by the Town of Queensbury once the County had committed to the transfer of property.

Motion was made by Mr. Stec and seconded by Mr. Loeb to approve the request for the transfer of County-owned property to the Town of Queensbury.

Mr. Stec noted Mr. Tennyson had been discussing this matter with Town of Queensbury engineering and legal staff and was aware that the Town was not interested in gaining ownership of the retention basin located within the area to be transferred; therefore, he noted, the final property descriptions would indicate that two sections of the property currently indicated for conveyance would not be transferred. Mr. Stec said it was important for the property to be conveyed to the Town of Queensbury to make the new Big Boom Road a Town road, and also to give the Town authority to enter into some of the underground utility easements required by National Grid.

Mr. Loeb questioned whether the Northway Exit 18 off-ramp was going to be relocated in connection with this project and Mr. Tennyson replied in the negative, noting that very early project plans calling for the relocation had been eliminated.

Paul Dusek, County Attorney/Administrator, requested clarification as to whether the resolution sought was for conceptual approval of plans to eventually transfer property to the Town of Queensbury or for the actual transfer which was to be completed at a later date. Mr. Tennyson advised that he was not opposed to proceeding with the resolution authorizing the actual property transfer and Mr. Stec agreed, noting that the parcels to be transferred would not exceed the areas reflected in the map included in the resolution; Mr. Stec then reiterated that the transfer would actually be for less property as the County would retain ownership of the retention basin. Mr. Dusek responded that the resolution authorizing the full transfer could be done at the current stage, but would likely require a SEQRA (State Environmental Quality Review Act) process.

Mr. Bentley called the question and the aforementioned motion was carried unanimously, thereby authorizing the necessary resolution for the December 17th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Tennyson announced that agenda page 7 included a request to amend the existing NYSDOT (New York State Department of Transportation) grant in the amount of \$1,595,613 to include Supplemental Master Agreement No. 2 for the Harrington Road Bridge Replacement Project. He noted that the increase would fund additional design, construction and construction inspection costs. Mr. Tennyson advised construction would begin on the Harrington Road Bridge Replacement Project in the spring of 2011 and that they would advertise for construction bids in the near future.

Motion was made by Mr. Conover, seconded by Mr. Champagne and carried unanimously to approve the request to amend the NYSDOT grant agreement as outlined above and the necessary resolution was authorized for the December 17th Board meeting. *A copy of the request is on file with the minutes.*

The next agenda item, Mr. Tennyson apprised, was included on agenda page 15 in the form of a request to amend the existing contract with Clough, Harbour and Associates, LLP (CHA) for an amount not to exceed \$245,963 to include Supplemental Agreement No. 2 for additional design work and construction inspection services in connection with the Harrington Road Bridge Replacement Project. He advised the previously noted NYSDOT grant funding would be used to cover the additional expenses.

Motion was made by Mr. Champagne, seconded by Mr. McCoy and carried unanimously to approve the previously mentioned request and the necessary resolution was authorized for the December 17th Board meeting. *A copy of the request is on file with the minutes.*

In connection with the previous two requests, Mr. Tennyson presented a request to amend Capital Project No. H272.9550 280, Harrington Road Bridge Replacement, in the amount of \$1,589,313 to reflect the receipt of additional NYSDOT grant funds. He explained the grant funds consisted of an 80% Federal Share, 15% State Share and 5% Local Share.

Motion was made by Mr. Champagne, seconded by Mr. McCoy and carried unanimously to approve the request to amend Capital Project No. H272.9550 280, Harrington Road Bridge Replacement, as outlined above and refer same to the Finance Committee. *A copy of the request is on file with the minutes. (Note: subsequent to the meeting it was determined that this action would be delayed until a source of funding for the 5% Local Share could be identified.)*

Mr. Tennyson pointed out that agenda page 20 included a request to extend the existing contracts with the various towns of Warren County for snow and ice removal services provided for County roads, and advised that pages 21 - 30 outlined the 2011 contract terms and amounts for each participating town. He said that the only significant change from the 2010 contracts was that the Town of Lake George had returned some of the roads previously maintained to the County's care, lessening the total contract amount by approximately \$20,000. Mr. Tennyson advised that because the 2011 Budget had been derived using 2010 Budget figures, transfers would be necessary to move funding from the snow and ice contract code to other salary areas to appropriately fund the additional snow removal services that would now be provided by County staff. Mr. Dusek pointed out that because the 2011 Budget had already been adopted, the transfer could not be made until after January 1, 2011 when the new budget took effect.

Motion was made by Mr. Sec, seconded by Mrs. Wood and carried unanimously to approve the aforementioned request and the necessary resolution was authorized for the December 17th Board meeting. *A copy of the request is on file with the minutes.*

Moving on, Mr. Tennyson advised agenda pages 31 - 36 consisted of two separate requests for new contracts with Casella Waste Management d.b.a. Springer Waste Management and Waste Management of New York, LLC for solid waste, medical waste and recycling disposal services. He explained the contracts were the result of a bid process and noted that the supporting bid tabulation documents were included in the pages identified for the Committee's perusal.

Subsequent to a brief review of the bid documents, motion was made by Mr. Stec, seconded by Mrs. Wood and

carried unanimously to approve both requests for new contracts with Casella Waste Management d.b.a. Springer Waste Management and with Waste Management of New York, LLC and the necessary resolutions were authorized for the December 17th Board meeting. *Copies of both requests are on file with the minutes. (Note: subsequent to the meeting it was determined that both requests for new contracts would be authorized by one resolution as they were part of the same bid process.)*

A request to fill the vacant position of Motor Equipment Operator - Light #5, base salary of \$25,916, was included on agenda page 37, Mr. Tennyson said. He explained the position had been vacated due to termination and noted that it had already been posted for advertisement with the anticipation of filling it subsequent to the December Board meeting.

Motion was made by Mr. Conover, seconded by Mr. McCoy and carried unanimously to approve the request to fill the vacant position of Motor Equipment Operator - Light #5, base salary of \$25,916, and refer same to the Personnel Committee. *A copy of the Notice of Intent to Fill Vacant Position form is on file with the minutes.*

Mr. Tennyson pointed out that agenda page 38 reflected a request to fill the vacant position of Assistant Engineer #1, base salary of \$43,296, due to promotion. He advised the position had been vacant for the past few months and they wanted to begin collecting resumes for review and consideration in hopes of filling the position in January or February of 2011.

Mr. Conover asked if this request had received Mr. Dusek's approval as County Administrator and Mr. Dusek replied affirmatively, noting the position and its necessity and been reviewed during the Budget process; he added that he was comfortable with the request in light of alternate position reductions made in the past.

In response to Mr. Champagne's questioning as to the duties associated with the Assistant Engineer position, Mr. Tennyson apprised the position would assume the bulk of the work previously undertaken by the senior level Foreman positions which had been eliminated in prior years, such as developing requests for proposals and bid documents, serving as project engineers and managers, performing inspections, working with road crews during construction projects to ensure design specifications were met and seeking and gaining necessary permits, as well as a number of other various duties. He said the position was very diverse and the associated duties varied on a day-to-day basis.

Following a brief discussion, motion was made by Mr. Conover, seconded by Mr. McCoy and carried unanimously to approve the request to fill the vacant position of Assistant Engineer #1, base salary of \$43,296, and refer same to the Personnel Committee. *A copy of the Notice of Intent to Fill Vacant Position form is on file with the minutes.*

Continuing, Mr. Tennyson directed the Committee members to agenda page 39, which included a request to amend the 2010 County Budget to increase estimated revenues and appropriations in the amount of \$4,514 as follows:

Appropriation Code -	D.5148 110, County Road Services to other Gov. - Salaries - Full time	\$3,297
	D.5148 120, County Road Services to other Gov. - Salaries - Overtime	\$1,217

Revenue Code -	D.5148 2306, Charges to Other Governments	\$4,514
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Mr. Tennyson explained the amendment was necessary to increase budgeted revenues and expenditures in connection with services to other governments as his Department had completed more paving work than initially estimated, causing negative balances in salary accounts.

Motion was made by Mr. Loeb, seconded by Mr. Champagne and carried unanimously to approve the request to amend the 2010 Budget as outlined above and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Mr. Tennyson apprised that agenda pages 40 - 42 consisted of three requests for transfers of funds. Beginning with the request included on page 40, Mr. Tennyson explained the transfer was necessary to adjust salaries and eliminate year end negative balances; he added that all funding was available within the existing budget.

Motion was made by Mr. Loeb, seconded by Mr. Champagne and carried unanimously to approve the request for the transfer of funds as outlined above and refer same to the Finance Committee. *A copy of the Request for Transfer of Funds is on file with the minutes.*

Proceeding to agenda page 41, Mr. Tennyson addressed a request for transfer of funds to cover employee sick leave incentive from various codes.

Motion was made by Mr. McCoy, seconded by Mrs. Wood and carried unanimously to approve the request for the transfer of funds as outlined above and refer same to the Finance Committee. *A copy of the Request for Transfer of Funds form is on file with the minutes.*

Mr. Tennyson advised the final request for a transfer of funds in the amount of \$2,000 would address the addition of a temporary Maintenance Worker position.

He said the addition of a temporary Maintenance Worker position had been suggested subsequent to discussions with Todd Beadnell, Deputy Superintendent of Operations, which indicated there could be a shortage of staffing for long snow and ice removal events due to the vacant Mechanical Equipment Operator - Light position the Committee had previously given authorization to fill, and another Mechanical Equipment Operator - Medium position which was currently vacant while a staff member was out of work on unpaid leave. He said that while they expected the employee to return to work, they did not know when. Mr. Tennyson said he wanted to shift money into the appropriate code to hire a temporary equipment operator to work through the end of 2010 and further into 2011, depending upon when the person on unpaid leave returned to work, at which point the temporary position would no longer be necessary.

Motion was made by Mr. Conover, seconded by Mr. McCoy and carried unanimously to approve the request for a transfer of funds as outlined above and refer same to the Finance Committee. *A copy of the Request for Transfer of Funds form is on file with the minutes.*

Noting an item not included on the agenda, Mr. Tennyson apprised he had been speaking with Dave Wick, District Manager for the Warren County Soil & Water Conservation District, regarding stormwater enhancements for the Beach Road Reconstruction Project, which would be entering the right-of-way acquisition and final design phase in the spring, with construction to start in the fall of 2011. He said Mr. Wick had approached him relative to enhanced stormwater technologies including pervious pavement and other innovative approaches, noting that he had prepared an application for USEPA funding to support the costs of these improvements. Mr. Tennyson apprised that the enhancements had been described to NYSDOT, who seemed interested in approving them, although there were some concerns with the feasibility and long term durability of the technologies suggested. Mr. Tennyson stated the grant application would be for an additional \$450,000 - \$500,000 in enhanced stormwater technology funding to augment the existing grant already in place for the Beach Road Reconstruction Project. He noted that the

deadline for submission of the grant application was Friday, December 3rd; therefore, he added, he was requesting permission to sign the application for submission, as well as for a resolution ratifying his actions in doing so.

Motion was made by Mr. Conover, seconded by Mr. McCoy and carried unanimously to ratify the actions of the Superintendent of Public Works in signing the aforementioned grant application and the necessary resolution was authorized for the December 17th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Conover commended the efforts of the Soil & Water Conservation District staff in assisting the Towns and the DPW Administration to identify and address soil and water management issues, as well as for their assistance in gaining grant funds to fund the suggested improvements.

Concluding the agenda review, Mr. Tennyson addressed the Items of Interest listing, which he outlined as follows:

1. County Highway Superintendent's Winter Conference - Mr. Tennyson advised that beginning on agenda page 43 he had included the proposed schedule of events for the 2011 Winter Conference for the Committee's review. He then proceeded to thank the Committee for their continued support of attendance at these Conferences which allowed him to retain special licensing and noted the considerable amount of information he and his staff received, not only from the sessions attended, but also from interactions with other Superintendents from across the State;
2. Ongoing Federal Aid Bridges - Mr. Tennyson distributed photos of the Milton Street Bridge in the Town of Warrensburg and the Tannery Road (or Warrensburg Road) Bridge in the Town of Stony Creek, copies of which are on file with the minutes. He noted that the Tannery Road Bridge was now complete and construction on the Milton Street Bridge was proceeding and starting to resemble a bridge structure. Mr. Tennyson advised the Alder Brook Bridge, in the Town of Chester, was nearing completion, but said he had not brought a picture for review; and
3. Chatiemac Road Bridge - Mr. Tennyson circulated photos of the Chatiemac Road Bridge, located in the Town of Johnsburg, reflecting construction of the permanent structure. He advised that although they were continuing with superstructure work and placing of deck pans, the bridge could not be opened until the spring when asphalt was again available to fill the deck pans as necessary. Mr. Tennyson said the temporary bridge currently in place would continue to serve traffic through the winter months.

Mr. Geraghty questioned whether the Beach Road Reconstruction Project included any alterations to the County-owned parking lot and Mr. Tennyson replied that there would be some grading easements and sidewalk work in that area, but noted there was no reconstruction work planned for the parking lot area itself. He added that as the design was finalized, if the need arose for stormwater structures to be pushed into that area construction might become necessary. Mr. Bentley noted that the location of the parking lot in the Village of Lake George presented a significant revenue generating opportunity for the County and he asked if any income was being received for its use. Mr. Tennyson replied that it was his understanding the County did not receive any revenues in connection with the parking lot as a previous resolution approved by the Board of Supervisors in the 1950's authorized the Village of Lake George to place parking meters in the parking lot; he added that he believed the Village of Lake George collected the revenues from those parking meters. Mr. Dusek confirmed Mr. Tennyson's statement regarding the previous resolution which authorized the Village to place parking meters. Mr. Bentley stated this was a lost revenue opportunity for the County and questioned whether the resolution could be rescinded, to which Mr. Dusek replied that he was unsure and would have to review the resolution before making a determination. Mr. McCoy said it was his recollection that the Village of Lake George received revenues in the area of \$200,000 annually for parking in the County-owned lot.

Mr. McDevitt questioned whether the Corinth Road Project was proceeding on schedule and Kevin Hajos, Deputy Superintendent of Engineering, responded affirmatively, advising the Project was scheduled to be completed in November of 2011.

As there was no further DPW business to discuss, privilege of the floor was extended to Paul Butler, Director of Parks, Recreation & Railroad, who distributed copies of his agenda to the Committee members. *A copy of the agenda is on file with the minutes.*

Beginning with Agenda Item 1, Mr. Butler presented a request for a new contract with the North Warren Snowmobile Club to establish a new trail on County-owned property in the Towns of Warrensburg (Tax Map Parcel Nos. 198.-1-9 and 198.-1-14) and Bolton (Tax Map Parcel No. 198.04-1-9). He noted the trail would extend approximately .443 miles and was pictured in the map included in the agenda packet. Mr. Butler explained the trail would cross behind the Cornell Cooperative Extension and Soil & Water Conservation District Buildings before traversing the County Home Bridge and turning south.

Motion was made by Mr. Merlino and seconded by Mr. Champagne to approve the request for a new contract as outlined above.

Mr. Dusek questioned whether the contract would be renewed on an annual basis and Mr. Butler replied it could be if the Committee so desired. Mr. Dusek recommended the contract be reviewed yearly for at least the first few years, until a decision was made on the retention or sale of the County Fairgrounds property. Mr. Geraghty pointed out that the requested trail route did not cross the Fairgrounds property so this should not be an issue. Mr. Butler confirmed Mr. Geraghty's statement, adding that although the property in question was part of the same Tax Map Parcel No., it did not involve the section being considered for sale. Mr. Dusek noted that the contract term could be extended to expire with the current term of the Board of Supervisors, as they could not bind further Boards with this contract. Mr. Tennyson said it would be beneficial to maintain a one-year contract term, allowing for periodic review and consideration. He advised that representatives of Countryside Adult Home and the Soil & Water Conservation District had been made aware of the situation and had reviewed the proposed trail route; he added that Countryside Adult Home had some issues with above-grade equipment being stored behind the Cornell Cooperative Extension Building, close to the desired trail route. Mr. Tennyson said they had addressed this matter with the North Warren Snowmobile Club and had come to an agreement that they would fence off a portion of the County-owned parcel to avoid contact with the Countryside equipment. He stated he would appreciate the authority for either himself or Mr. Dusek to renew the contract, but preferred to implement an annual term. In light of Mr. Tennyson's statements, Mr. Dusek recommended that the contract be approved with an annual term which could be extended at a later date at the Committee's discretion.

Mr. Tennyson pointed out that the agenda included a short form SEQRA form pertaining to the development of a new trail and Mr. Butler questioned whether this would be accounted for in the resolution authorizing the contract to which Mr. Dusek replied affirmatively.

Mr. Bentley called the question and the aforementioned motion was carried unanimously to approve a new contract with the North Warren Snowmobile Club and the necessary resolution was authorized for the December 17th Board meeting. *A copy of the request is on file with the minutes.*

Moving on to Agenda Item 2, Mr. Butler addressed a request for a new contract in the amount of \$90,000 with the Towns of Hague, Horicon, Lake Luzerne and Thurman for snowmobile trail maintenance and equipment. He explained funds would be distributed to each of the towns included in the contract, with Horicon, Lake Luzerne and

Thurman each receiving \$27,000 and Hague receiving \$9,000. Mr. Butler noted these were the same amounts distributed for the past two or three years.

Motion was made by Mr. Merlino, seconded by Mr. Loeb and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the December 17th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Butler announced that Agenda Item 3 consisted of a request to submit a grant application to the A/GFTC (Adirondack-Glens Falls Transportation Council) for Make the Connection Program funding for small scale bicycle and pedestrian improvement projects. He noted this was a \$200,000 maximum Federal grant opportunity which required a 20% Local Share for which in-kind services could be used. Mr. Butler said he and Mr. Tennyson had been working together to develop a listing of improvement projects they felt would qualify for grant funding such as improving the Warren County Bikeway by adding topsoil/grass seed to shoulders, improving Bikeway bridge approaches at the State Route 149 and 9L crossings by installing six foot chain link fencing, re-establishing the crosswalk striping at the 10 Bikeway public road crossings, or any other Bikeway improvement needs identified by himself or Mr. Tennyson. He said the estimate generated for the specified improvements totaled approximately \$18,000.

Mr. Tennyson advised the submission deadline for the grant application was December 15th. He said he had met with the new Safe and Quality Bicycling Citizens Advisory Board whose desire was to have enhanced road shoulders introduced in connection with the West Mountain paving project scheduled for 2011 to extend the current shoulders by a couple feet to allow more riding surface. Mr. Tennyson noted that the A/GFTC grant opportunity could provide funding for this work and that the County would actually act as the project sponsor submitting the grant application. He advised that they were continuing to develop the grant application to cover all applicable projects.

Mr. Bentley asked whether the grant funds could be used to cover the costs of additional signing for cycling purposes and Mr. Tennyson replied that both additional signing and the need for a sidewalk from the Great Escape to the Municipal Center campus had been addressed in the previous Traffic Safety Committee meeting, but he was not sure whether these projects should be applied for by the County along with all of the other funding requests, or applied for separately by the Traffic Safety Board. He said he would speak with Kate Hogan, District Attorney, to discuss the matter further and make a decision as to who the applying party should be. Mr. Tennyson pointed out that one difficulty he foresaw was the amount of the total grant opportunity and the number of possible applicants, which included Warren, Washington and Northern Saratoga Counties, as well as the Towns they encompassed. He said he feared Warren County could easily identify enough projects to consume the entire amount of grant funding available; therefore, he noted, the prospective projects listed in the grant application would have to be prioritized to determine which should be completed first and he was not sure who the appropriate party was to make such determinations.

Following a brief discussion, Mr. Dusek advised the administrative staff would take all necessary steps to prioritize the projects identified in the grant application in order to ensure that it was submitted prior to the application deadline. He said that if time permitted and the Committee was in agreement, a special meeting could be called to allow for Committee input as to the prioritizing of projects; however, he noted, they would ensure that the grant opportunity was not missed by surpassing the deadline date.

Motion was made by Mr. Conover, seconded by Mr. Merlino and carried unanimously to authorize the Chairman of the Board to sign the A/GFTC grant application and ratify his actions in doing so, and the necessary resolution was authorized for the December 17th Board meeting. *A copy of the request is on file with the minutes.*

Concluding the agenda review, Mr. Butler addressed Agenda Item 5 which referred to the County's 2008 grant application to the NYSDOT Passenger & Freight Rail Assistance Program for station improvements. He said he had recently received a letter indicating that the grant application had not been approved. Mr. Butler advised that a copy of the letter, as well as documentation from 2008 outlining the grant application process, was included in the agenda for the Committee's review.

As Mr. Butler had no additional business to present, Mr. Dusek proceeded with an update on the status of the 2011 Railroad Operator RFP (request for proposal).

Mr. Dusek announced that following the interview process with The Cordorus Creek Railway Company and Iowa Pacific Holdings, LLC, the management team had begun the necessary due diligence process which included studying the financial information and proposals submitted by the two interviewees, as well as contacting the references provided and completing financial analysis. He said the management group's review was going very well and they would be prepared to report their findings to the Committee in the near future.

Two important developments had occurred since the last Committee meeting, Mr. Dusek apprised, the first being that The Cordorus Creek Railway Corporation had aligned themselves with another railway company to enhance their proposal and show they were able to provide appropriate financing, locomotives and rail cars as necessary to begin operations. Additionally, he said he had received a letter indicating that Ed Ellis, President & CEO of Iowa Pacific Holdings, LLC, had been in contact with NL Industries, who owned the rail line extending to the north of North Creek, respective to purchasing the line and NL Industries had responded with a sale offer. Mr. Dusek advised he had subsequently received a letter from Mr. Ellis stating that unless the County objected to the purchase, he intended to respond to NL Industries confirming that he would be interested in purchasing the line, subject to a due diligence process, execution of a contract with Warren County and the Town of Corinth and execution of a purchase and sale agreement. He said he saw no reason to object to the purchase as the County had previously relinquished any interest in purchasing the line themselves, but felt he should share this information with the Committee to ensure they were in agreement.

Mr. McDevitt questioned what Iowa Pacific's motivation might be in acquiring the additional rail line and Mr. Dusek responded it was his assumption they would make the purchase based on the fact that the line ran to Baton Mines, which imposed a considerable opportunity for freight operations. He said he would also assume they were aware of the potential for additional scenic train tours extending further northward. Mr. Dusek advised the track itself had value, so if it turned out that the freight or tourist trains were not profitable, they could always tear up the tracks and sell the materials.

Following further discussion, motion was made by Mr. Champagne, seconded by Mr. Loeb and carried unanimously to confirm that the County had no interest in purchasing the rail line from NL Industries and did not object to the purchase by Iowa Pacific, and the necessary resolution was authorized for the December 17th Board meeting.

Mr. Dusek said they were currently working with the Town of Corinth to establish the relationship between the Town and County in terms of how revenues would be split, as well as how management responsibilities would be assumed by each party. Another issue to note, Mr. Dusek stated, was the interesting situation that had arisen with the current operator, Upper Hudson River Railroad (UHRR), in that they had submitted a proposal for the 2011 Railroad Operator contract, which was still valid, while their current contract would not expire until December 31, 2010. He said that UHRR had a train and equipment on the northern end of the rail line; meanwhile, he added, the snowmobile clubs were anxious to begin preparing the tracks for their winter use. Mr. Dusek noted that this caused a dilemma for UHRR because their proposal had not been rejected by the County, they were unsure whether

to remove their equipment from the tracks or leave it there through the winter in anticipation of their operator contract being renewed for 2011. He said that if they were not chosen to continue as operator, there would be some question as to how their equipment could be removed in the spring when another operator was in control of the tracks. Mr. Dusek advised he had contacted Mr. Ellis on this matter, whose response had been that if chosen as operator, Iowa Pacific would work with UHRR to facilitate removal of the equipment in a manner acceptable to both parties.

Another issue for consideration, Mr. Dusek apprised, was the possibility that the Day Out With Thomas event might not occur due to the delay in securing the 2011 Operator contract. In speaking with Mr. Ellis on the matter, he said he had been advised that until the Operator contract was executed, the bidders could not schedule the Thomas event and by the time the contract was secured, it would likely be too late in the season to do so. Mr. Dusek reminded the Committee that although the Operator RFP process had started early in 2010, the initial results had yielded one unsatisfactory bid, at which point the Committee had decided to revise and reissue the RFP, knowing that this would cause time constraints. He noted that although the delay in awarding the contract would not jeopardize the key bids, it could mean that some events might be lost for 2011. Mr. Dusek stated that while he felt they should work as quickly as possible to secure the contract, they should not move forward with the wrong bidder just to save the Thomas event. He said he recommended that they continue with the due diligence process to ensure that they chose the correct bidder for a successful long term contract, rather than proceeding hastily with the wrong bidder, just to save an event.

Mr. McCoy opined that no matter the chosen bidder, they would be in favor of retaining the Thomas event for 2011 and he questioned whether the County could do something to book the event without knowing the chosen bidder. Mr. Dusek responded that the event planners would not reserve the event without being assured that they would be paid for their participation.

Mr. Merlino said he had seen a considerable amount of UHRR equipment on the tracks in the Town of Corinth and he asked if they were sure equipment remained at the North Creek Station, to which Mr. Tennyson replied affirmatively. Mr. Tennyson added that this was the time of year when the snowmobile clubs typically began preparing the tracks for snowmobile use, which could not be done if the train was still using the tracks. He said he was very concerned that the clubs would not be able to properly prepare the tracks before the snowmobile season began and that they would be used regardless, possibly causing damage. Mr. Tennyson stated that since new developments indicated the majority of UHRR's equipment was located in the Town of Corinth and that there would be no issue with removing the equipment in the spring, it was his feeling that they should direct the snowmobile clubs to begin the track preparation and advise UHRR that the equipment should be moved out of the area used by the clubs for final removal in the spring, if necessary. Mr. Dusek agreed with Mr. Tennyson's suggestion, noting that as the owner of the tracks, Warren County had the authority to proceed in whatever manner they determined appropriate.

Mr. Champagne stated his opinion that he would prefer to see UHRR remove all of their equipment by the close of the year as a decision had already been made not to interview them for the 2011 Operator contract and it was highly unlikely they would be chosen. Mr. Dusek responded that although they had elected not to interview UHRR, their proposal had not been rejected in order to leave some flexibility in making a decision in the event that some issue arose which eliminated either of the other bidders.

Mr. Geraghty said he was concerned that UHRR might take some action that would adversely affect the ability of the snowmobile clubs to use the tracks and he suggested that they be directed to move all of their equipment to a section not used by the clubs until it could be removed in the spring. Mr. Merlino stated his feeling that no one was

interested in retaining the services of UHRR, regardless of whether the remaining two bidders were ruled out, due to their previous dealings and unwillingness to work with the County at a time when the rail stations had been highly criticized for their expense and lack of use.

Mr. Stec questioned if there was a legal reason why the UHRR bid could not be rejected and Mr. Dusek replied in the negative, noting that he had simply been trying to maintain some flexibility for the County in making a decision. Mr. Dusek added that if for some reason the two remaining bids were also rejected, they could entertain another RFP process.

Discussion ensued.

Motion was made by Mr. Champagne, seconded by Mr. Stec and carried unanimously to reject the UHRR bid for the 2011 Railroad Operator contract, as well as to direct UHRR to move all of their equipment to a southerly location along the line not use by the snowmobile clubs, and the necessary resolution was authorized for the December 17th Board meeting.

Joanne Smith, Town of North Creek resident, said she was grateful to the Committee for their actions in seeking an operator interested in bringing more tourism and revenue opportunities to the communities along the rail line. She said she was especially pleased by the Committee's decision to endorse the possible purchase of the northern section of line owned by NL Industries by Iowa Pacific as this would surely lead to additional tourist attraction due to the beauty of that area. Ms. Smith noted that the additional track would also serve to enhance the First Wilderness Heritage Corridor and bring more potential to that project in the 160,000 surrounding acres available for outdoor activities.

As there was no further business to come before the Committee, on motion made by Mr. Loeb and seconded by Mr. McCoy, Mr. Bentley adjourned the meeting at 11:08 a.m.

Respectfully submitted,
Amanda Allen, Sr. Legislative Office Specialist